

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PHYLLIS M. KNIGHT,

Plaintiff,

vs.

CITY OF OMAHA, KENNETH PORTER, Omaha Police Officer, in his official and individual capacities; VINCENT TYLER, Omaha Police Officer, in his official and individual capacities; TODD SCHMADERER, Omaha Police Chief, in his official and individual capacities; KEN KANGER, Deputy Chief Omaha Police, in his official and individual capacities; CHRISTOPHER OVERTON, Omaha Police Officer, in his official and individual capacities; JAMELLE ROSS, Omaha Police Officer, in his official and individual capacities; ERIC EATON, Omaha Police Officer, in his official and individual capacities; JEAN STOTHERT, Mayor of City of Omaha, in her official and individual capacities; and UNKNOWN OMAHA POLICE OFFICERS, in their official and individual capacities;

Defendants.

8:22CV153

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion for Leave to Appeal in Forma Pauperis. (Filing 9.) Plaintiff filed a Notice of Appeal (filing 8) on September 15, 2022. Plaintiff appeals from the court's Memorandum and Order and Judgment dated August 15, 2022 (filings 6 & 7), in which the court dismissed

this matter with prejudice.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . .

The court finds that because Plaintiff proceeded IFP in the district court, she may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to Appeal in Forma Pauperis (filing 9) is granted.

Dated this 20th day of September, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge